

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMAL WILLIAMS,

Plaintiff,

-against-

9:03-CV-0912
(LEK/GHL)

W. WEAVER,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 5, 2006, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 29). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Jamal Williams, which were filed on September 20, 2006. Objections (Dkt. No. 31).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.¹

¹ The Court notes several errors, which do not, however, impact materially upon the content of the Report-Recommendation. First, the correct citation for the case of Straker v. Metropolitan Transportation Authority is 333 F. Supp. 2d 91 (E.D.N.Y. 2004). Report-Rec. (Dkt. No. 29) at 6 n.7. Second, the correct citation for Shakur v. Selsky is 391 F.3d 106 (2d Cir. 2004). Id. at 10 n.21. Third, the correct citation for Ford v. McGinnis is 352 F.3d 582 (2d Cir. 2003). Id. at 12 n. 27.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 29) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendant's motion for judgment on the pleadings (Dkt. No. 26) is **GRANTED**; and it is further

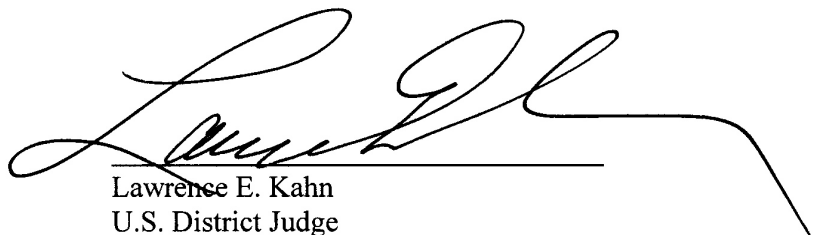
ORDERED, that Plaintiff is permitted **THIRTY (30) DAYS** from the date of this Order to file an Amended Complaint that complies with Rules 8 and 12 of the Federal Rules of Civil Procedure and the September 5, 2006 Report-Recommendation; and it is further

ORDERED, that if Plaintiff fails to file an Amended Complaint within **THIRTY (30) DAYS** from the date of this Order, the Clerk shall enter judgment dismissing this action without further order of this Court due to Plaintiff's failure to comply with the requirements of this Order; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 26, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge